

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JERRY M. FOCKEN, Guardian and
Conservator of Corey D. Focken,
MARGARET A. FOCKEN, Guardian
and Conservator Of Corey D. Focken,
and COREY FOCKEN, by And
through Jerry M. Focken and
Margaret A. Focken, Guardians And
Conservators,**

Plaintiffs,

v.

FORTIS INSURANCE COMPANY,

Defendant.

CASE NO. 8:07CV280

ORDER

This matter is before the Court upon the parties' stipulation for dismissal of the Plaintiffs' Third Cause of Action, entitled "Bad Faith," with prejudice, the parties to bear their own costs and attorney fees as to that cause of action. The Court finds that the Stipulation should be sustained.

IT IS ORDERED:

1. Plaintiff's Third Cause of Action, entitled "Bad Faith," is dismissed with prejudice, the parties to bear their own costs and attorney fees as to that cause of action; and
2. This matter remains pending as to Plaintiffs' First and Second Causes of Action.

DATED this 8th day of July, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge